

**HISTORIC PRESERVATION COMMISSION**  
**HEARING MINUTES**

**MARCH 25, 2010**

<b>Commissioners</b>
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Tim Daniel, Chairman

Scott Winnette, Vice Chairman

Timothy Wesolek (not present)

Robert Jones

Joshua Russin

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<b>Aldermanic Representative</b>
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Michael O'Connor

<b>Staff</b>
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Emily Paulus, Historic Preservation Planner

Nick Colonna, Comprehensive Planning

Scott Waxter, Assistant City Attorney

Shannon Albaugh, HPC Administrative Assistant

## **•I. Call to Order**

Mr. Daniel called the meeting to order at 6:00 P.M. He stated that the technical qualifications of the Commission and the staff are on file with the City of Frederick and are made a part of each and every case before the Commission. He also noted that the Frederick City Historic Preservation Commission uses the Guidelines adopted by the Commission and the Secretary of the Interior's Standards for Rehabilitation published by the U. S. Department of the Interior, National Park Service, and these Guidelines are made a part of each and every case.

All cases were duly advertised in the Frederick News Post in accordance with Section 301 of the Land Management Code.

## **Announcements**

Ms. Paulus announced that the Commission Retreat is scheduled for March 29, 2010 in the C. Burr Artz Library Community Room and they are to discuss where the Historic Preservation Commission has been and where they are heading.

## **II. Approval of Minutes**

### **1. March 11, 2010 Hearing / Workshop Minutes**

**Motion:** Scott Winnette moved to approve the March 11, 2010 Hearing minutes and the March 11, 2010 Workshop minutes as written.

**Second:** Joshua Russin

**Vote:** 4 - 0

- **II. HPC Business**

**There was no HPC business.**

**IV. Consent Items**

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**There were no consent items.**

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**•V. Cases to be Heard**

**2. HPC10-18  
Kirkpatrick**

**23 W. All Saints Street**

**John**

Construct second floor addition

*Emily Paulus*

Mr. Daniel announced that the applicant asked for this case to be continued.

Install stone on the bottom wall of gazebo

*Emily Paulus*

### **Presentation**

Ms. Paulus entered the entire staff report into the record and stated that the applicant, Friends of Baker Park, is proposing to face the bottom walls of the Baker Park gazebo with stone veneer. The stone is intended to be the same stone used on the new bandshell additions (the same mason is being used) and also closely match the stone on the carillon. The stone would project 4 inches from the face of the structure and may require a stone cap. In addition, the concrete knee walls and steps at the base of the structure would be removed and replaced with landscaping.

### **Discussion**

Kathy Fay, the applicant, stated that they would like the Commission to still consider allowing them to use the Butler Stone. She went on to say that their objective is beautification and they felt as if the cohesiveness of the park would be the best way to restore the gazebo. She added that recognizing that the Commission had reservations about the Butler Stone so they researched the use of limestone and it brought some questions and problems that the Butler Stone doesn't but they had discovered that the gates on Bentz Street were made of limestone so there is a historical tie in with the limestone. Ms. Fay added that the material itself is a little problematic because it is deeper than the Butler Stone so it would stick out from the wall further which would create a problem with the capping and the contractor also said that he was not sure what type of capping they could get that would coordinate with the limestone well.

Alderman O'Connor asked why the limestone could not be cut to 4 inches as they were going to do with the Butler Stone. Byron Hawkins, the contractor, answered that the nature of limestone is it does not cut very well by hand so it has to be cut with a wet saw so it can be done but when you try to chip it the stone will split. He added that Butler Stone is much easier to work with and color wise it would be a much better

presentation on the base of the gazebo. Mr. Hawkins went on to say that the Butler Stone has more of the light and airy look the Commission had discussed previously. He also stated that he thought taking the parging off would tremendously damage the limestone underneath.

Mr. Winnette asked if there was another type of stone that looked like limestone but was easier to work with. Ms. Fay answered that they researched the limestone because that was the Commission's suggestion but they did not go into researching any other type of stone. Mr. Winnette suggested using something similar in the color and texture of the limestone that have been used in other areas in town. Mr. Hawkins stated that they can keep looking around for stone that will look more like limestone.

Mr. Daniel asked if they would be amenable to doing a sample portion of whichever stone is approved or whatever options are made part of the motion a site mock up for the Commission to review. Mr. Hawkins answered that they could do that and added that there is a lot of things to look such as the color of the mortar and the way the mortar is applied.

Mr. Winnette stated that he was still stuck where he was at the workshop with the progression in history and if they can't find the right application they could repace it fill in the doors and do something else because he wanted to see the limestone look remain on the gazebo. Mr. Daniel stated that he would concur with Mr. Winnette and staff's view although they are sympathetic to cost and some of the challenges to using other materials that is something they as a Commission can't consider and in the interest of respecting the adherence to time and while having things match in cohesiveness has its values so does difference in exception and he thought there were some merits to having this stand out as a unique piece. He went on to say that in respect to the heavy and light conversion about the base while some defiantly have a "light and airy" aspect to them some do as shown in the photographs some gazebos do have heavier base and he thought that the heavier base can accentuate what it above it.

**Public Comment - There was no public comment.**

## **Staff Recommendations**

Staff recommends that the Commission deny the proposal to face the bottom walls of the Baker Park gazebo with stone veneer to match the bandshell additions and carillon because it is not the original material and thus would be inconsistent with the *Guidelines*.

**Motion:**        **Scott Winnette moved to approve with modification the application to face the bottom walls of the Baker Park gazebo with a limestone stone veneer or a mimic of limestone that would be approved by staff and that a sample portion be provided and that staff would have the opportunity to approve a sample of the cap.**

**Second:**       **Robert Jones**

**Vote:**           **4 - 0**

**4. HPC10-63**  
**Associates, LLC**

**113-113A W. 3<sup>rd</sup> Street**

**Eng**

Demolish open rear porches

*Emily Paulus*

## **Presentation**

Ms. Paulus entered the entire staff report into the record and stated that the applicant is seeking post-construction approval for the demolition of two original open, three-story porches on the rear of a contributing duplex. The porches were demolished sometime in 2008 and replaced with additions.

The property owner was cited by the Department of Code Enforcement in 2008, but the applicant only submitted a complete HPC application last month.

## **Discussion**

Brian Lim, the agent for the property owners, stated that in regard to the modifications that they have planned to make to the existing addition they wanted to see if they could make modification son a basic level to see if they could have the existing additions contributing to architectural integrity of the Historic District. He also added that the demolition process started because the property owner at the time deemed the porch to be unsafe. Mr. Lim went on to say that the structure was half way rotted out and the rails were unsecure so that is what made the property owner decide the structure was unsafe.

**Public Comment - There was no public comment.**

## **Staff Recommendations**

Staff recommends the Commission find the former rear three-story porches to be contributing because they fulfill the following criteria provided in the Commission's *Guidelines*:

- They added architectural value (as a character-defining element to the duplex);
- They were built during the Historic District's Period of Significance.

**Motion:**        **Joshua Russin moved to find the former rear three-story porches to be contributing because they fulfill the following criteria provided in the Commission's *Guidelines*:**

- **They added architectural value (as a character-defining element to the duplex);**
- **They were built during the Historic District's Period of Significance.**

**Second:**        **Scott  
Winnette**

**Vote: 4 - 0**

**5. HPC10-65  
Associates, LLC**

**113-113A W. 3<sup>rd</sup> Street**

**Eng**

Demolish shed framing in rear of property

*Emily Paulus*

### **Presentation**

Ms. Paulus entered the entire staff report into the record and stated that the applicant is seeking approval to demolish a partially completed shed frame constructed without HPC approval or permits in 2008. The shed frame received a Notice of Violation from the Department of Code Enforcement in 2008, but the applicant only submitted a complete application for HPC review last month.

The shed frame measures 15'-8" by 18' and is surrounded by a low wall composed of landscaping blocks. The applicant is proposing to remove the framing and replace the area with grass.

### **Discussion**

Brian Lim, the applicant, stated that the shed was a structure that the property owner thought he could use for storage so with the amount of problems the structure has they thought the best thing to do was to demolish the shed and return the area to grass.



**Public Comment - There was no public comment.**

### **Staff Recommendations**

Staff recommends the Commission find the shed to be non-contributing because it does not help define the Historic District, does not add historical or architectural value to the Historic District, and is less than fifty years old.

Staff also recommends the Commission approve the demolition of the shed with the condition that the area be returned to grass and/or other appropriate landscaping.

**Motion:**        **Scott Winnette moved to find the shed to be non-contributing because it does not help define the Historic District, does not add historical or architectural value to the Historic District, and is less than fifty years old.**

**Second:**        **Joshua  
Russin**

**Vote:**            **4 - 0**

**Motion:**        **Scott Winnette moved to approve the demolition of the shed with the condition that the area be returned to grass and/or other appropriate landscaping.**

**Second:**        **Joshua Russin**

**Vote:**            **4 - 0**

**6. HPC10-73  
Ojanguren**

**103 E. 6<sup>th</sup> Street**

**Sebastian**

Install pavers in the front of the property

*Emily Paulus*

### **Presentation**

Ms. Paulus entered the entire staff report into the record and stated that the applicant is seeking approval to install a 16' by 22' parking pad in the side yard of a contributing single-family dwelling. The pad would be located adjacent to the sidewalk, where a curb cut has been approved by the Engineering Department. The pad would allow for two cars to be parked side-by-side and the surface would be paved with Hanover Appian Prest brick pavers (the same material used for the patio area in the rear yard).

This same proposal was part of a larger application heard by the HPC on July 12, 2007. At that time, the staff recommended denial of the pad as proposed and the applicant requested and was granted a continuance.

### **Discussion**

Sebastian Ojanguren, the applicant, stated that he is not putting a parking lot in so the way the Guidelines are worded the parking lot specifies something that has a delineation of spaces and places of stop so it seemed to describe more of a commercial parking lot to him. He added on that he was proposing more of a parking area for off street parking in a residential area. He went on to say that since they proposed a parking area they did not think they should have to put the screening or have to put it behind the house. Mr. Ojanguren also stated that as far as a parking area goes the Guidelines allow for different materials and if visible from the street they must be consistent with the surrounding areas so in order to determine if what he proposed was consistent with the surrounding areas he canvassed an area from 7<sup>th</sup> Street down to 4<sup>th</sup> Street between East and Bentz Street and he noted all the properties that allowed for curb cuts not anything that wasn't behind an alley. He added that out of that entire area there were 49 curb cuts there and out of the 49 curb

cuts only 8 had parking behind the back, every other one had parking to the side like they were proposing and out of those 49 only 6 had screening as suggested by staff.

Alderman O'Connor asked how many of the properties surveyed had side by side parking. Mr. Ojanguren answered that he did not count that but he could tell him that there is at least 6 of them that serve the same property.

Mr. Russin asked how far into the yard the parking pad would go if they were to stack it, Mr. Ojanguren answered that most parking spaces are 22 inches long so it would be an additional 22 inches and that would take up a fair amount of the yard.

Mr. Daniel asked if the applicant would be amenable to amending the application to reduce the width from 16 by 22 to 9 by 22 because one of his concerns is the preservation of green space. Mr. Ojanguren answered that the pavers were the least of his concerns and he was more than happy to use the pavers that allow grass to grow through. He added that he would do whatever the Commission wanted him to do as far as green space goes as long as it allows for the off street parking for possibly two vehicles. He also said that if the Commission would decide to make it one space to preserve green space he would be okay with that but he would rather it be for two spaces.

Mr. Daniel stated that he would agree that lots are lots and they are more prone to multiple situations and if you go down these streets there are a lot of situations similar to this and the loss of green space would be one of his concerns whether it be solved with one space or some other type of pavers. He went on to say that since it is an open lot now so it wasn't like they were changing anything to detriment of the area if anything the change would approve regardless to what occurs so he found the application acceptable with the condition that the pavers allow grass to grow between.

Mr. Winnette stated that he would like to see the space be reduced to 9 by 22 since he does not observe too many driveways that have side by side parking and side by side parking would begin to look more like a parking lot which would disturb the

streetscape more than one parking space and it would provide for more green space.

**Public Comment - There was no public comment.**

### **Staff Recommendations**

Staff recommends denial of the parking pad as proposed, because it would break up the uniformity of the district's streetscape, would not be screened, and thus is inconsistent with the *Guidelines*.

Staff recommends approval of the plan as per the 7/10/07 illustration.

**Motion: Robert Jones moved to approve the parking area with the exception that the applicant stay with the 9' by 22 driveway with the permeable grass pavers and with the pavers to be submitted to staff for review**

**Second: Scott Winnette**

**Vote: 4 - 0**

The meeting was adjourned at 7:15 PM.

Respectfully Submitted,

Shannon Albaugh

Administrative Assistant